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The Media and Romania's EU Integration

2004 is a crucial year for Romania. By the end of this year, the Romanian government is set to finalize negotiations with the EU. It is also an important electoral year, with local, elections already held in June and parliamentary and presidential elections scheduled for November.

Starting early in 2004, the issue of the independence – or rather the constraints on the independence - of the Romanian media gained increasing publicity and rose high on the national and international agenda. In their reports on the topic, both Romanian NGOs (Romanian Academic society, Media Monitoring Agency, Romanian Think Tank) and international organizations (Freedom House, Reporters sans Frontières) pointed to serious shortcomings in this field which is central to a functioning democracy of a country about to finalize accession negotiations with the EU.

In February 2004, Baroness Emma Nicholson, the (former) Rapporteur for Romania on the European Parliament's Foreign Affairs Committee called on the Romanian government to guarantee press freedom, put an end to economic control of the media, track down perpetrators of physical assaults on journalists, and take decisive measures against the intimidation of journalists. Consequently, the respective Commission of the European Parliament asked for a study to be elaborated on the security and working conditions of Romanian journalists, in order to evaluate the degree of press freedom in this country.

Moreover, on the eve of the publication of the EU Country Reports on 6 October, reports flared up about attempts by newspaper publishers (Swiss Ringier and German Westdeutsche Allgemeine Zeitung) reportedly trying to tone down the critical impetus of two important dailies (Evenimentul Zilei and Romania Libera) and to change their editorial policy.

At this point, it will perhaps be interesting to cast a look at the situation of the Romanian media fifteen years after the fall of communism.

The situation is in many ways that of country in transition from Marx to the Market and from Ceausescu to, let's say, Berlusconi.

There are, however, a few peculiarities.

- The Romanian media market is highly crowded. There are 173 TV stations (more than 70 of them private ones), more than 300 radio stations, 250 cable companies, hundreds of newspapers. In Bucharest alone, there are 18 daily newspapers, and about 3 to 4 in every larger town. Moreover, a fierce struggle is going on for the scarce financial resources available. Whereas in the early stages of Romania's transition, the interest of Western investors in purchasing Romanian TV- and radio-stations was initially very low as compared to Hungary or the Czech Republic. However, it has grown considerably after Romania started negotiations with the EU in 2000. In order to win their share of the market, new media companies – both national and international – are engaging in a battle against the privileges - fiscal and other – enjoyed by the traditional, mostly local tycoons and for getting a larger share of the money spent by the government on publicity and other benefits. Moreover, a lot of fusions are taking place, with all the positive and negative consequences of such a phenomenon also encountered in the West.

- Media enjoy a high degree of credibility in Romania. An opinion poll conducted by Gallup in 30 countries revealed the surprising fact that confidence in the media in Romania is much higher than in other transition countries, West Europe countries or the US. According to this poll, 72% of the Romanians investigated declared their confidence in the media, whereas confidence in the media was declared only by 52% of the Americans, 51% of the Poles, 49% of the Germans and Bulgarians, and 23% of the Japanese participating in the investigation.
- Media, particularly television and the radio, are highly influential in Romania. Although, according to a recent opinion poll, 44% of Romanians rely on radio and TV only as a source of political information, 43% turn to newspapers daily or several times a week. Whereas, more often than not, Romanian TV stations are seen as echoing governmental positions, independent print media are mostly critical of their government – no matter who is in power at a particular moment. This is why all governments after 1989 have been eager to secure the support of the media. The present Romanian government which is not faced by a strong opposition in Parliament is particularly sensitive vis-à-vis the criticism voiced in the print press and some radio and TV.
- Wooed as they are by government and opposition alike, it looks sometimes as if the media were not only intermediaries, but political players themselves. In a remarkable article, former foreign minister Adrian Severin recently pointed to the danger inherent in a situation when journalists believe they represent political opposition and when the government fights the media as if they were his political opponents.

Due to the volatility of the electorate, and on the basis of the outcome of the 2003 referendum on the new constitution or the 2004 local elections, it is by no means certain whether the incumbent government will win a safe victory. On the other hand, it will be crucial for the opposition parties, the parliamentary as well as the extraparliamentary ones, to gain maximum support of the media in their election bid. Quite recently, in a motion of censure presented at the Chamber of Deputies, 52 Romanian oppositional MPs belonging to the Liberal and the Democratic Party called on the government of PM Adrian Nastase to put an end to attempts to monopolize the public discourse and to limiting freedom of expression by legislative and economic measures. Quite specifically, the motion asked the government to stop the discriminatory economic treatment of the media, to introduce a more transparent method of allocating radio frequencies and to press for speedy legal measures to be adopted in the case of journalists who have become victims of aggression.

What does the issue of freedom of the press mean in the context of Romania's bid to achieve EU integration?

Viewed against this background, the verdict on freedom of expression as enshrined in the Romania Progress Report for 2004 issued by the EU Commission comes somewhat as a surprise, considering the rampant critical campaigns preceding its publication. It should be recalled that respect for freedom of expression was one of the preconditions under the Copenhagen criteria which had to be fulfilled before negotiations with Romania were opened by the European Commission. Although all progress reports since 1998 found that Romania

fulfilled the political Copenhagen criteria, a number of legal preconditions and practices in this field were mentioned in various chapters of the reports published since.

In a first move, the Report lists all the legal and institutional achievements scored by the Romanian authorities since the 2003 Progress Report:

- Romania has amended the Criminal Code in June 2004 repealing the crime of insult and removing the possibility of a prison sentence for slander while also aligning requirements on the burden of proof with those of the European Court of Human Rights;
- In July 2004, the Romanian Convent of Media organizations adopted the statute of the Journalist (as a matter of fact, it revised an earlier version of the Statute issued in 1999) and the Code of the Press Conduct;
- The Progress Reports concedes that, although not everything is perfect in implementation, the Romanian legislation on the free access to public information adopted in 2001 has turned into an important mechanism promoting public accountability;
- Last but not least, Romania is credited with having revised the Framework Law on the Audiovisual sector in October 2003. By extending the mandate of its members from 4 to 6 years, the National Audiovisual Council is considered to have strengthened its political independence.
- In a second part of the Country Report, echoing the criticism voiced before publication by the European Parliament, reference is made to the “structural problems” of the Romanian media which, it says, “may affect” the implementation of the legally guaranteed freedom of expression. The report points to the dangerous possibility that journalists’ reporting “can often be influenced” by financial inducements and “may compromise” the independence of critical media.

These assessments on Romania are all the more striking if we compare them to the respective chapters in Bulgaria’s 2004 Progress Report. According to this Report, in Bulgaria, a country which has concluded negotiations with the EU in June 2004, libel and defamation are still criminal offences under an unchanged Criminal Law, and still punished in practice. Moreover, the report contains rather harsh criticism of the legal and institutional buildup encountered in the field of Bulgarian audiovisual media effectively endangering their independence.

Summing up, it seems that the strong determination of the administration grounded on the constantly high support of the Romanian people for EU accession is finally bearing fruit. Over the past year, the efforts made to close the legal and institutional gaps pointed out in the 2003 Country Report have been considerable and stand to comparison with the achievements of countries that have already closed negotiations with the EU. It is to be hoped that Romania will continue to implement its commitments entered into during the negotiation process and will turn out a well-prepared, vigorously modernizing country once it will join the EU in – most probably – January 2007.